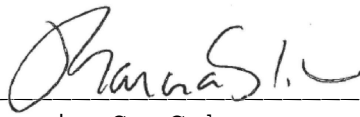


Approved: 
Marcia S. Cohen
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York 21 Mag 230

- - - - - x COMPLAINT

UNITED STATES OF AMERICA : Violation of
: 18 U.S.C. § 2251(a)
-v.- : & (e)

JOSE ZAFRA, :
: COUNTY OF OFFENSE:
Defendant. : WESTCHESTER

- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

PAO MEI FISHER, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE

1. On or about December 13 2020, in the Southern District of New York and elsewhere, JOSE ZAFRA, the defendant, knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer, and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, ZAFRA induced a 9-year-old minor in Florida ("Victim-1") to engage in sexually explicit

conduct, video the conduct, and transmit the video to ZAFRA in Westchester County, New York.

(Title 18, United States Code, Section 2251(a) and (e).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the Westchester Resident Agency. I have been a Special Agent with the FBI since 2017. During my tenure as a Special Agent, I have conducted and participated in numerous investigations of criminal activity involving crimes against children, including sexual exploitation and child pornography. I have gained expertise in these areas through training and daily work related to conducting these types of investigation.

3. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my conversations with a detective ("Detective-1") in the Port Chester Police Department ("PCPD"), I am aware that, on or about January 8, 2021 the PCPD received information from the Bay County Sheriff's Office ("BCSO") in Panama City, Florida. The BCSO advised the PCPD that, on or about December 28, 2020, the BCSO received a complaint concerning a 9-year-old girl ("Victim-1") who had used her cellphone to take photographs of herself engaged in sexual activity and had transmitted the photos to an unknown person using her cell phone.

5. Based on my conversations with Detective-1, I am aware that BCSO performed a forensic examination of Victim-1's cellphone, which was assigned a phone number ending in 4790. The forensic examination revealed that Victim-1's phone (the "4790-Phone") had sent nude photographs of Victim-1 to a phone number with a 914 area code ending in 0105 (the "0105-Phone"). BCSO determined that, according to Verizon Wireless records, the subscriber of the 0105-Phone was a "Jose Zafra" with an address

in Portchester, New York ("Address-1"). Based on my conversations with Detective-1, I am aware that BCSO provided PCPD with a photo of a clothed Victim-1 ("Photo-1").

6. Based on my conversations with Detective-1, I am aware that, on January 8, 2021, at approximately 5 p.m., Detective-1 went to Address-1 and spoke with JOSE ZAFRA, the defendant, who is nineteen years-old. ZAFRA agreed to go with Detective-1 to the PCPD to speak with law enforcement officers.

7. Based on my conversations with Detective-1, I am aware that, at the PCPD, ZAFRA was advised of his Miranda rights and agreed to waive them. ZAFRA also provided oral and written consent for law enforcement to examine the iPhone 11 in ZAFRA's possession ("ZAFRA-Phone"). I arrived at PCPD after the interview had commenced and participated in the interview. Based on my conversation with JOSE ZAFRA, the defendant, I am aware that ZAFRA advised the following, in substance and in part:

- a. ZAFRA is the sole user of the ZAFRA-Phone.
- b. ZAFRA has photos of underage females engaging in sexual activity on a "hidden" folder stored on the ZAFRA-Phone.
- c. ZAFRA has requested and received sexually explicit images from at least 25 underage females.
- d. ZAFRA identified the individual depicted in Photo-1 as Victim-1 and said that he believed Victim-1 was 10 years-old. ZAFRA engaged in sexual conversations with Victim-1 and requested and received sexually explicit images from Victim-1, which were sent to him via text message.

8. Law enforcement examined the ZAFRA-Phone. I have had an opportunity to review the results of the examination and have reviewed a portion of the material extracted from the ZAFRA-Phone. Based on my review, I am aware that the examination of the ZAFRA-Phone revealed, among other things, that:

- a. The telephone number for the ZAFRA-Phone is the same telephone number as the 0105-Phone.
- b. There are numerous text messages between the ZAFRA-Phone and the 4790-Phone in December 2020.

c. On or about December 13, 2020 at approximately 8:02 p.m., the ZAFRA-Phone texted the 4790-Phone: "I want you to spam me with all types of sexy photos" "ass pics" "pussy pics."

d. At approximately 8:13 p.m. that evening, the ZAFRA-Phone texted the 4790-Phone: "do a video of you fucking your pussy" "can you do that for daddy."

e. At approximately 8:55 p.m., the 4790-Phone transmitted a video ("Video-1") to the ZAFRA-Phone and texted, "Done daddy." I have reviewed Video-1, which is approximately one minute and 31 seconds in length. Video-1 depicts a prepubescent female, who is naked from the waist down, inserting her finger into her vagina multiple times.

f. At approximately 8:58 p.m., the ZAFRA-Phone texted the 4907-Phone and stated, "good girl" with a smiley face.

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed as the case may be.

/s/ Pao Mei Fisher (known to Court)

PAO MEI FISHER

Special Agent

Federal Bureau of Investigation

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 10th day of January, 2021 (via FaceTime)



HONORABLE PAUL E. DAVISON

United States Magistrate Judge
Southern District of New York